

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KIMBERLY COCROFT, : Case No. 2:24-cv-04208

Plaintiff, : District Judge Michael J. Newman
v. : Magistrate Judge Caroline H. Gentry

FRANKLIN COUNTY OHIO, *et al.*, :

Defendants. :

**MOTION OF PLAINTIFF *PRO SE*
REQUESTING PERMISSION TO SUBMIT AUDIO EVIDENCE AS EXHIBITS
PURSUANT TO LOC. R. 7.2**

Now comes Plaintiff *pro se* and hereby respectfully moves the Court for permission to submit audio evidence as exhibits in support of her responses in opposition to the motions to dismiss of Court Defendants (ECF No. 37) and Franklin County Defendants (ECF No. 38), pursuant to Loc. R. 7.2. A memorandum in support follows.

Respectfully submitted,

s/ Kimberly Cocroft
Kimberly Cocroft
Plaintiff *Pro Se*
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MEMORANDUM IN SUPPORT

On July 8, 2025, Plaintiff *pro se* filed her Second Amended Complaint (ECF No. 36) as ordered by the Court on July 2, 2025 (ECF No. 35.) Thereafter, both Court Defendants and Franklin County Defendants filed a motion to dismiss on July 22, 2025. By rule, Plaintiff's responses in opposition are due no later than August 12, 2025.

In support of her responsive pleadings, Plaintiff has identified pertinent audio evidence, which will be listed in an appendix of exhibits for each response in opposition. Loc. R. 7.2(d) provides, "Evidence Supporting Motions - Deadlines. When proof of facts not already of record is necessary to support or oppose a motion, all evidence then available shall be discussed in, and submitted no later than, the primary memorandum of the party relying upon such evidence." This rule is amplified by Loc. R. 7.2(e) that states, "Memoranda Evidence. Evidence shall be presented, in support of or in opposition to any motion, using. . .documentary or electronic exhibits. Unless already of record, such evidence shall be attached to the memorandum or included in an appendix thereto. Physical evidence that cannot be attached to a memorandum shall be filed separately with the Clerk. All evidence shall be submitted within the time limit set forth above." *See also Thomas v. Noder-Love*, 621 F. App'x 825, 829–30 (6th Cir. 2015) (In ruling on a motion to dismiss the court may consider the complaint along with documents/materials referenced in the complaint, matters for judicial notice, public records or records of "decisions of a governmental agency."); *Armengau v. Cline*, 7 F. App'x 336, 344 (6th Cir. 2001) ("We have taken a liberal view of what matters fall within the pleadings for purposes of Rule 12(b)(6). If referred to in a complaint and central to the claim, documents attached to a motion to dismiss form part of the pleadings....")

While Plaintiff believes that the plain language of Loc. R. 7.2 permits the filing of audio exhibits as evidence in support of her responses in opposition, she does not want or intend to

violate the Court's authority or expectations in this regard. Moreover, Plaintiff's motion is not made in bad faith nor is it submitted to create any delay in the time by which her responsive pleadings must be filed. Should the Court grant her motion, Plaintiff acknowledges that she will be required to provide copies of the audio exhibits to all counsel and respectfully requests guidance on the proper format for such audio evidence, as well as confirmation that the physical evidence shall be filed with the Clerk of Court in the Western Division.

Therefore, Plaintiff respectfully requests that this honorable Court grant her motion for permission to file audio evidence as exhibits.

Respectfully submitted,

/s/ Kimberly Cocroft

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 7th day of August, 2025, I caused the foregoing paper to be electronically filed with the Clerk of the Court using the ECF system that will send notification of such filing to all parties of interest participating in the CM/ECF system.

/s/ Kimberly Cocroft
Kimberly Cocroft